REMARKS

In the Office Action of March 24, 2005, the drawings were objected to as failing to show various claimed features of the invention, namely, the anchoring leg portion, a center section, a truss connection portion and the pair of laterally spaced upper edges of claims 7 and 12. Pursuant to the above amendments, many of these terms has been cancelled from the claims and replaced with alternate terms or language complying with 37 CFR § 1.83(a). Further, amendments have been proposed to the drawings adding general reference character 14 to Figure 1 showing the connection or truss connection portion and general reference character 13 has been added to Figures 1, 2, 3, 6 and 9 showing the embedment or anchoring leg portion. Corrected drawing sheets in compliance with 37 CFR § 1.121(d) are enclosed, with proposed changes shown in red ink. It is submitted that this objection has been overcome and the Examiner's approval is respectfully requested.

The specification was also objected to as failing to provide proper antecedent basis for certain claimed subject matter such as the anchoring leg portion, the center portion, the truss connection portion and a pair of laterally spaced upper edges. These terms have been cancelled from the claims and replaced with alternative terms or language or are now used in the claims in compliance with 37 CFR § 1.75(d)(1). Note that the embedment or anchoring leg is shown by the general reference character 13, the connection or truss connection portion is shown by the general reference character 14 and the pair of laterally spaced upper edges is now referred to in the claims as the first and second connection edges 32,32. Accordingly, it is submitted that this objection has been overcome. Reconsideration is respectfully requested.

Claims 1-19 were rejected under § 112 as being indefinite in that it is unclear whether applicant intends to claim a combination or a sub-combination. It is applicant's intention, in these claims, to claim only the anchor, without positively claiming the building structural member or the cementitious material. Accordingly, claims 6 and 13 which depend from independent claims 1 and 12, respectively, have been cancelled. Independent claim 16 and dependent claims 17-19 have also been cancelled. With these amendments, it is believed that this rejection has been overcome. Reconsideration is respectfully requested.

Claims 1 and 2 were rejected under § 102(b) as being anticipated by Colonias Patent No. 5,109,646. *Colonias* relates to a bearing connection which is designed for connecting a load carrying wood structural member such as a floor joist, a roof rafter or a wood truss member with a wood plate member. Thus, independent claim 1 is distinguishable from *Colonias* in that the embedment portion is designed for embedment into cementitious material. Further, pursuant to the above amendments, independent claim 1 has been amended to require the embedment portion to be "coplanar with" the connection portion. This is clearly disclosed and described in the present application. See, for example, Figures 1-4, 7 and 9. In *Colonias*, the portions 15 and 16 which are considered to be the embedment portions are bent at 90 degrees relative to the portion 11 which is considered to be the connection portion. Accordingly, the portions 15 and 16 of *Colonias* are not coplanar with the portion 11. Thus, *Colonias* does not anticipate independent claim 1 as amended or dependent claim 2.

Claims 1-2 and 5-9 were rejected under § 103(a) as being unpatentable over *Leek* in view of *Colonias*. The Examiner's position is that *Leek* fails to disclose a second leg section having a width dimension greater than the first leg section, but that *Colonias* does and it would have been obvious to provide *Leek* with the dimensions of the first and second leg sections as taught by *Colonias*. The Examiner's position is also that it would have been an obvious matter of design choice to change the dimensions of the leg component.

Applicant respectfully disagrees. In many cases, changing the dimensions of a component may be merely a matter of design choice. However, in this case, it is not. For the pair of legs of the lower embedment portion 8 of *Leek* to be provided with two sections, with the lower section having a width dimension wider than the upper portion, additional width must be added at the lower ends of the legs, either on the inside edge or the outside edge. As disclosed in *Leek* (see Figures 3 and 7 and the description in column 2, lines 39-46), a downwardly depending notch 9 is formed in the lower embedment portion 8. The sides of this notch are defined by the inner edges of the legs of the portion 8. The notch is designed to allow the connector to be deeply set into the cementitious material without interfering with any centrally located reinforcing members or rebar 10 (see Figure 7). If the legs of the portion 8 were widened at their lower end along the inside edge, it would necessarily narrow the width of the notch 9, thus increasing the possibility of interference of the connector width rebar or other reinforcing material. Thus, any increase in the width of the legs of the portion 8 along the inner edges would be contrary to the teachings and objectives of *Leek* and thus not obvious.

On the other hand, if the lower ends of the legs of portion 8 were increased in width along their outer edges, such increase in width would result in a corresponding decrease in width of the anchoring legs 5 and 6. This is because the connector 3 is stamped from a single piece of sheet metal. The main feature of *Leek* is the provision of the offset anchoring legs 5 and 6 and the increased pull out resistance that they provide. By decreasing the width of such legs at their outer ends (which would be the consequence of increasing the width at the lower ends of the legs of the portion 8), the pull out resisting force would be decreased. This is contrary to the teachings and objectives of *Leek*. Further, there is absolutely no motivation in any of the references to make the proposed modification. In fact, to the extent there is motivation, it is against making the proposed modification. Accordingly, it is submitted that this rejection has been overcome.

Claims 3, 4 and 16-19 have been rejected under § 103(a) as being unpatentable over *Leek* in view of *Colonias* and further in view of Commins Patent No. 5,813,182. Claims 3 and 4 are dependent claims which depend from independent claim 1 discussed above and are considered patentable for the same reasons as claim 1. Claims 16-19 have been cancelled.

Dependent claim 10 was rejected under § 103(a) as being unpatentable over *Leek* in view of *Colonias* and further in view of Gilb Patent No. 4,404,781. Claim 10 depends from independent claim 1 discussed above and is considered patentable for the same reasons as claim 1.

The Examiner has objected to claims 11 and 15 as being dependent upon a rejected base claim , but which would be allowable if rewritten in independent form. Claim 11 has been rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Because claim 11 depended from intervening dependent claim 6 which the Examiner considered as a combination claim, claim 11 as amended is directed to the combination of an anchor for connecting a building structural member to a cementitious material. Further, some terminology has been amended to overcome the Examiner's objections under § 112. Formal allowance of this claim is respectfully requested. Claim 15 remains as a dependent claim.

New independent claim 24 has been added. This claim is directed to an anchor which requires a connection portion, an embedment portion and first and second seat members positioned on opposite lateral sides of the embedment portion, with the anchoring portion including a side edge portion sloping upwardly and laterally outwardly toward the first and second supporting seat members. As indicated by the indication of allowable subject matter in original dependent claims 11 and 15, none of the prior art references show an embedment portion having a side edge sloping upwardly and laterally outwardly toward supporting seat members. Accordingly, independent claim 24 is considered to be allowable.

For all of the above reasons, and particularly in view of the amendments to the claims, the discussion of the prior art references and the distinctions between the claims and references, it is believed that all claims are now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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